

### REMARKS

Claims 1-17 are pending in the present application and have been rejected. Claims 1, 2, 5-8, 11-14 and 17 have been amended and Claims 18 and 19 have been added herein.

All of the claims were rejected under 35 U.S.C. § 103 either on the Bigelow reference alone or on Bigelow in view of Lee, *et al.* However, the claims have been amended to clarify selected limitations and are now believed to clearly patently define over all references of record.

For example, the claims now clarify that the first layer of resist is patterned, such as by lithography, and that the pattern is developed. Resist material is then removed from the developed resist so as to cover or protect areas of the second conductive layer while exposing other areas of the second conductive layer according to the first pattern. The Bigelow reference not only does not “develop” a pattern, but teaches two heating steps and exposure of the first photoresist layer to actinic UV radiation to “completely” desensitize the resist “to a developer agent” (col. 3, line 60 through col. 4, line 3).

Similarly, it is now clear that the second layer of resist is also patterned, developed and stripped, and that only after both first and second layers of resist have been so treated, are the second conductive layer, the insulating layer and the first conductive layer subjected to a single reactive ion etch to form the MIM capacitors.

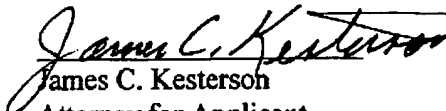
The Bigelow reference on the other hand, disclosed the use of an ion etch that only etches the two layers of resist such that an appropriate patterned mask was formed from the first resist layer which was very thick (see col. 4, lines 42-55). Then, only after the pattern was formed in the first resist layer by the ion etch was the underlying layer 14 ready for further processing, such as for example, isotropic etching (col. 4, lines 56-64). Therefore, it is clear that the amended claims now clearly include limitations nowhere even suggested, much less taught, by the Bigelow reference. In

fact, it is submitted that Bigelow actually teaches away from the present invention by the actinic UV and two heat treatments of the first layer of resist so that it cannot be developed.

Therefore, all of the claims do now patentably define over the Bigelow reference. Further, it is submitted that the claims rejected in further view of Lee, *et al.* are also patentable as Lee, *et al.* in no way overcomes the shortcomings of Bigelow as discussed above and are therefore patentable not only for their own limitations but also for depending from claims deemed allowable.

In conclusion, Applicant respectfully requests that the Examiner allow Claims 1-19, and pass the present patent application to issuance. If the Examiner should have any questions or feel that a discussion would advance the prosecution, Applicant invites the Examiner to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,

  
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